

REMARKS

Claims 2 and 5-14 were pending prior to this Response, with claims 9, 10, 13 and 14 having been withdrawn from further consideration. By the present communication, no claims have been added or canceled and claim 2 has been amended to define Applicants' invention with greater particularity. Accordingly, claims 2, 5-8, 11 and 12 are currently being examined in this application.

Rejections under 35 U.S.C. § 112, second paragraph

Applicants respectfully traverse the rejection of claims 2, 5-8, 11 and 12 under 35 U.S.C. § 112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that it is unclear what "control group specimen" is intended by Applicant. Applicants have amended claim 2 to replace the phrase "control group specimen" with "normal cells." Support for the amended claim language may be found at page 15, lines 14-16, which discloses: "The level of GDF-5 in the suspect cell can be compared with the level in a normal cell to determine whether the subject has a GDF-5-associated cell proliferative disorder."

The Examiner further alleges that the term "the specimen" in line 9 of claim 2, has an antecedent basis in "tissue specimen of the subject" and "control group specimen," which leads to further uncertainty as how to construe "tissue specimen of the subject" and "control group specimen." Applicants have further amended claim 2 to replace the phrase "the tissue specimen" with "the specimen" to clarify antecedent basis.

In view of the amendments and for the reasons set forth above, it is submitted that the skilled person would know the metes and bounds of the claimed subject matter. Accordingly, removal of the rejection of claims 2, 5-8, 11 and 12 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the rejection of claims 2, 5-8, 11 and 12 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

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Specifically, the Examiner alleges that the claimed invention cannot be found in the disclosure as originally filed, particularly with respect to "tissue of a specimen subject," "control group specimen," and "endometrial tissue." Applicants have amended claim 2 to remove the phrases that allegedly lack support in the specification. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendments and the above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect respectfully is requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Check No. 579270 in the amount of \$120.00 is enclosed for a Petition for Extension of Time – 1 Month fee. The Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 07-1896.

Respectfully submitted,

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